

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Stephanie C.,)	Case No.: 5:23-cv-5984-JD-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This social security matter is before the Court with the Report and Recommendation of United States Magistrate Kaymani D. West (“Report”) under Local Civil Rule 83.VII.03 of the District of South Carolina. Plaintiff Stephanie C.,¹ (“Plaintiff”) brings this action under 42 U.S.C. § 405(g), as amended, seeking judicial review of the final decision of Defendant Carolyn W. Colvin, Acting Commissioner of Social Security (“Defendant” or “Commissioner”),² denying Plaintiff’s claim for Disability Insurance Benefits (“DIB”) under the Social Security Act (“Act”).

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, because of significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024, replacing Commissioner Martin O’Malley. Commissioner O’Malley replaced the former Commissioner, Kilolo Kijakazi, who was named as the original defendant in this action. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the court substitutes Carolyn Colvin as Defendant in this action.

A. Background

Plaintiff applied for DIB, alleging a disability onset date of September 28, 2018. (DE 9-5 at 11-12.) The application was denied initially on August 19, 2021, and upon reconsideration on May 20, 2022.³ (DE 9-3 at 23, 48.) Plaintiff requested a hearing by an Administrative Law Judge (“ALJ”) on July 19, 2022. (DE 9-4 at 23-24.) Plaintiff appeared with her counsel for a hearing before an ALJ on May 11, 2023. (DE 9-2 at 37-64.) The ALJ issued an unfavorable decision on June 12, 2023, finding Plaintiff was not disabled. (*Id.* at 9-22.) On August 11, 2023, Plaintiff requested a review of the unfavorable decision. (DE 9-4 at 94-95.) The Appeals Council denied that request on September 21, 2023, making the ALJ’s decision the final decision of the Commissioner. (DE 9-2 at 2-7.) Plaintiff brought this action seeking judicial review of the Commissioner’s decision in a Complaint filed on November 21, 2023. (DE 1.)

B. Report and Recommendation

The Magistrate Judge issued the Report on December 17, 2024, recommending the Commissioner’s decision be reversed and remanded for further administrative action. (DE 25.) Neither party objected to the Report and Recommendation.

³ Plaintiff previously filed an application for DIB on April 6, 2019 that was denied initially on September 11, 2019 (DE 9-5 at 2-3), and upon reconsideration on March 9, 2020. (*Id.* at 22.) The ALJ’s decision and the parties’ briefs all indicate erroneously that Plaintiff’s December 2020 application was denied initially in September 2019—the date of the initial Disability Determination and Transmittal from the April 2019 application.

C. Legal Standard

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

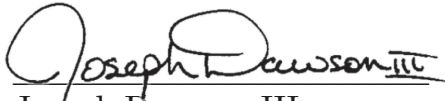
D. Conclusion

After a thorough review of the Report and Recommendation and the record in this case, the Court finds that there is no clear error on the face of the record. Thus, the Court adopts the Report (DE 25) and incorporates it here by reference.

It is, therefore, **ORDERED** that the Commissioner’s decision is **REVERSED AND REMANDED** for further evaluation under sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

January 28, 2025
Florence, South Carolina


Joseph Dawson, III
United States District Judge